

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DARRELL LAMAR FRITTS #120410)	
)	
v.)	NO. 3:05-CV-15
)	Jarvis/Guyton
DAVID MILLS, Warden)	

ORDER OF JUDGMENT

This is a *pro se* petition for a federal writ of habeas corpus filed under 28 U.S.C. § 2254. For reasons given in an accompanying memorandum and order, the respondent's motion to dismiss (Court File No. 4) is **GRANTED**, and the petition is **DISMISSED** as untimely. Should the petitioner give a timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability which is **DENIED**. *See* Fed. R. App. P. 22(b). This ruling is based upon the petitioner's failure to make a substantial showing of the denial of a constitutional right since it is clear, for reasons contained in the memorandum, that the correctness of this Court's procedural rulings would not be debatable by jurists of reason. *Porterfield v. Bell*, 258 F.3d 484, 485-86 (6th Cir. 2001). Finally, the Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* 28 U.S.C. § 1915(a)(3).

ENTER:

s/ James H. Jarvis
JAMES H. JARVIS
SENIOR U. S. DISTRICT JUDGE